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Attorneys for TSUBURAYA

PRODUCTIONS CO. LTD.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UM CORPORATION, a Japanese
corporation,

Plaintiff,

vs.

TSUBURAYA PRODUCTIONS CO.
LTD., a Japanese corporation,

Defendant.

CASE NO. 2:15-cv-03764-AB-AJW

**DECLARATION OF DANIEL C.
POSNER IN SUPPORT OF
DEFENDANT AND
COUNTERCLAIMANT
TSUBURAYA PRODUCTIONS CO.
LTD.'S APPLICATION FOR
ENTRY OF DEFAULT JUDGMENT
BY THE COURT AGAINST
COUNTERDEFENDANT
SOMPOTE SAENGDUENCHAI**

TSUBURAYA PRODUCTIONS CO.
LTD., a Japanese corporation,

Counterclaimant,

vs.

UM CORPORATION, a Japanese
corporation; ULTRAMAN USA, INC.,
a California corporation; SOMPOTE
SAENGDUENCHAI, a Thai individual;
GOLDEN MEDIA GROUP, INC., a
California corporation; TIGA
ENTERTAINMENT COMPANY,
LTD., a Hong Kong corporation; and
DOES 1-10,

Counterdefendants.

Date: December 5, 2016

Time: 10:00 a.m.

Location: Courtroom 4

Judge: Hon. André Birotte, Jr.

Trial Date: August 22, 2017

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DECLARATION OF DANIEL C. POSNER

I, Daniel C. Posner, declare as follows:

1. I am a member of the bar of the State of California and a partner at Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for defendant and counterclaimant Tsuburaya Productions Co. Ltd. (“Tsuburaya”). I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. The Court entered default against Counter-Defendant Sompote Saengduenchai (“Sompote”) on September 22, 2016.

3. The pleading to which default was entered was Tsuburaya’s Answer, Affirmative Defenses, and Counterclaims for (1) Copyright Infringement and (2) Declaratory Relief. *See* Dkt. No. 19.

4. There is no evidence suggesting that Sompote is an infant or incompetent person.

5. There is no evidence suggesting that Sompote is in the military service, and thus the Servicemembers Civil Relief Act does not apply.

6. Notice of Tsuburaya’s application for default judgment is not required by Federal Rule of Civil Procedure 55(b)(2) because Sompote has not appeared personally or by a representative.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 7th day of November, 2016, at Los Angeles, California.

/s/ Daniel C. Posner
Daniel C. Posner